

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**



Declaration
Submitted
With Initial
Filing

OR



Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

60080US

First Named Inventor

FAUVER

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR OPTICAL
TOMOGRAPHY**

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.


[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 23430 OR <input type="checkbox"/> Correspondence address below			
Name George A. Leone, reg. No. 30,567			
Address 2150 128th Ave NW			
City Minneapolis		State MN	ZIP 55448
Country US	Telephone 763-767-2762	Fax 763-754-5943	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Mark E.		Family Name or Surname Fauver	
Inventor's Signature 		Date 11/12/03	
Residence: City Seattle	State WA	Country US	Citizenship US
Mailing Address 11754 N.E. 24th Ave.			
City Seattle	State WA	ZIP 98125	Country US
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) John Richard		Family Name or Surname Rahn	
Inventor's Signature		Date	
Residence: City Sammamish	State WA	Country US	Citizenship US
Mailing Address 21130 N.E. 43rd Place			
City Sammamish	State WA	ZIP 98074	Country US
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

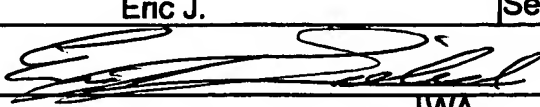
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Inventor's Signature			Date
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City Seattle	State WA	ZIP 98125	Country US
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Given Name (first and middle [if any]) John Richard		Family Name or Surname Rahn	
Inventor's Signature <i>John Richard Rahn</i>			Date 11-13-03
Residence: City Sammamish	State WA	Country US	Citizenship US
Mailing Address 21130 N.E. 43rd Place			
City Sammamish	State WA	ZIP 98074	Country US
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DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eric J.		Seibel	
Inventor's Signature 		Date Nov. 13 '03	
Residence: City Seattle	State WA	Country US	Citizenship US
Mailing Address 6702 34th Ave NW			
Mailing Address Seattle			
City	State WA	Zip 98117	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Alan C.		Nelson	
Inventor's Signature		Date	
Residence: City Gig Harbor	State WA	Country US	Citizenship US
Mailing Address 1509 56th Avenue Ct. NW			
Mailing Address Gig Harbor			
City	State WA	Zip 98335	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

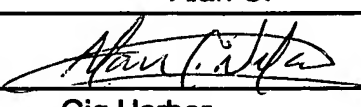
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DECLARATION**ADDITIONAL INVENTOR(S)**

Suppl mental Sheet

Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eric J.		Seibel	
Inventor's Signature		Date	
Seattle	WA	US	US
Residence: City	State	Country	Citizenship
6702 34th Ave NW			
Mailing Address			
Mailing Address			
Seattle	WA	98117	US
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Alan C.		Nelson	
Inventor's Signature 		Date	
Nov. 13, 2003			
Gig Harbor	WA	US	US
Residence: City	State	Country	Citizenship
1509 56th Avenue Ct. NW			
Mailing Address			
Mailing Address			
Gig Harbor	WA	98335	US
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

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POWER OF ATTORNEY

POWER OF ATTORNEY
FOR PATENT APPLICATION

ATTORNEY DOCKET NO. 60080US

As a below named inventor for the PATENT APPLICATION entitled:

METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR OPTICAL TOMOGRAPHY

the specification of which is attached hereto, I hereby appoint the following attorney listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

George A. Leone, Reg. No. 30567

Send Correspondence to:

George A. Leone
George A. Leone & Associates
2150 128th Ave NW
Minneapolis, WA 55448

Direct Telephone Calls To:

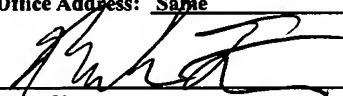
George A. Leone
763-767-2762

Name of Inventor Mark E. Fauver

Citizenship: US

Residence: 11754 N.E. 24th Ave., Seattle, WA 98125 US

Post Office Address: Same


Inventor's Signature

11/12/03
Date

Name of Inventor John Richard Rahn

Citizenship: US

Residence: 21130 N.E. 43rd Place, Sammamish, WA 98074 US

Post Office Address: Same

Inventor's Signature

Date

Name of Inventor Eric J. Seibel

Citizenship: US

Residence: 6702 34th Ave NW, Seattle, WA 98117 US

Post Office Address: Same

Inventor's Signature

Date

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George A. Leone, Reg. No. 30567

Send Correspondence to:	Direct Telephone Calls to:
George A. Leone George A. Leone & Associates 2150 128th Ave NW Minneapolis, WA 98448	George A. Leone 762-767-2762

Name of Inventor Mark E. Fauver

Citizenship: US

Residence: 11754 N.E. 24th Ave., Seattle, WA 98125 US

Post Office Address: Same

Inventor's Signature

Date

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Citizenship: US

Residence: 21130 N.E. 43rd Place, Sammamish, WA 98074 US

Post Office Address: Same

John Richard Rahn
Inventor's Signature

11-13-03 (November 13, 2003)
Date

Name of Inventor Eric J. Seibel

Citizenship: US

Residence: 6702 34th Ave NW, Seattle, WA 98117 US

Post Office Address: Same

Inventor's Signature

Date

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Inventor's Signature

Date

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Citizenship: US

Residence: 6702 34th Ave NW, Seattle, WA 98117 US

Post Office Address: Same

Inventor's Signature

Date

Nov. 13 '03

**POWER OF ATTORNEY
FOR PATENT APPLICATION**

ATTORNEY DOCKET NO. 60080US

Name of Inventor Alan C. Nelson

Citizenship: US

Residence: 1509 56th Avenue Court NW, Gig Harbor, WA 98335 USA

Post Office Address: Same

Inventor's Signature



Date

Oct. 1, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Confirmation No.

Applicant(s): FAUVER

Filed:

TC/A.U. :

Title: METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR
OPTICAL TOMOGRAPHY

Examiner:

Docket No. : 60080US

Customer No. : 23430

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF ALAN C. NELSON, Ph.D.

I, Alan C. Nelson, Ph.D., hereby state as follows:

1. That I am the Chairman and CEO of VisionGate, Inc., assignee of my entire interest of the subject patent application.
2. That I obtained a Ph.D. in biophysics from the University of California, Berkeley in 1980.
3. That I am also an inventor of the subject matter claimed in the subject patent.
4. That this Statement is made in support of a petition to grant this application special status based on the invention's contribution to the early diagnosis, treatment or prevention of cancer.
5. I have worked in the field of cancer diagnosis since 1972 and I hold a number of U. S. and foreign patents for inventions that contribute to the early diagnosis, treatment or prevention of cancer, including recently:

United States Patent 6,522,775, issued February 18, 2003 and entitled "Apparatus and Method for Imaging Small Objects in a Flow Stream Using Optical Tomography," and

United States Patent 6,519,355, issued February 11, 2003 and entitled, "Optical Projection Imaging System and Method for Automatically Detecting Cells Having Nuclear and Cytoplasmic Densitometric Features Associated with Disease."

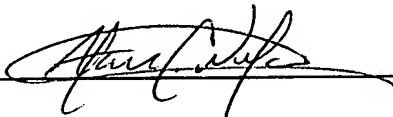
6. That the invention of the subject patent application submitted herewith contributes to the early diagnosis, treatment or prevention of cancer by providing an emission computed optical tomography imaging system using shadowgram formation that analyzes an object, such as a biological cell labeled with a tagged molecular probe, where the measured location of the probe may yield important information about the disease state of the cell, including, but not limited to, various cancers such as lung, colon, prostate, breast, cervical and ovarian cancers.

7. That the invention of the subject patent application is related to the same system as the invention of co-pending application no. 10/126,026 that has previously been granted special status.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: ALAN C. NELSON, Ph.D.

Residence: 1509 56th Avenue Court NW, Gig Harbor, WA 98335



Signature

Nov. 13, 2003

Date